HILL AND KNOWLTON, INC.

Kansas City Lawsuit
Special PR No. K11-62
Tuesday, July 3, 1962

Confidential for Members

## Ross vs. Philip Morris, Inc.

On Tuesday, the defense called Dr. Lauren V. Ackerman, Chief of Surgical Pathology at Washington University School of Medicine, St. Louis, and a member of the Institutional Research Grants Committee of the American Cancer Society. Dr. Ackerman had previously visited the Mayo Clinic, where he examined both the gross specimen and the slides of the plaintiff's cancer.

He said that John Ross's cancer was entirely in the alimentary tract, principally on the lateral (outer) wall of the pyriform fossa. He said it was not a cancer of the larynx, and that the larynx was entirely normal.

Dr. Ackerman testified that extrinsic and intrinsic cancer of the larynx were meaningless and obsolete terms. There is no relationship between smoking and cancer of the pyriform fossa, he said, because it is impossible for smoke to get in there. He believes there is no evidence (except statistical) that smoking causes cancer of the lung. There has been no change in the incidence of cancer of the pyriform fossa or larynx during the period while smoking has been increasing, he said.

In cross-examination, plaintiff's attorney Field attempted to persuade Dr. Ackerman to concede that Ross's larynx had been at least partly involved by the cancer. Dr. Ackerman denied this. Field also questioned the witness on the fees he had received from Philip Morris, and attempted to call his medical ethics into question. This latter move was strongly objected to by defense counsel Hardy and Judge Gibson sustained the objection. Questioned on Dr. James Ewing's book "Neoplastic Disease," Dr. Ackerman said 10 years of experience in pathology was necessary to use the book properly, and that 78% of its references relating to the oral cavity area are prior to 1910.

Hardy then called Dr. Joseph H. Ogura, Professor of Otolaryngology at Washington University. He has done research in the mechanics of swallowing, and testified that his x-rays show that smoke sucked or held in the mouth does not reach the pyriform fossae. He is also engaged in research on laryngeal prosthesis. He has performed over 700 operations for cancer of the larynx and pharynx, including 100 for cancer of the pyriform fossa, and has participated in 50 more pyriform fossa operations.

1005132869

Dr. Ogura's testimony was similar to that of Dr. Ackerman. The cross-examination was marked by a number of disputes between plaintiff's counsel and the witness over the fairness of certain questions asked and materials used in the interrogation. Field elicited from the witness the fact that of his 100 pyriform fossa cancer cases, 90 were smokers, and of the remaining 10, five were women. Hardy then brought out the additional fact that of the entire group of 150 cases seen by the witness, only two percent had been non-drinkers. Dr. Ogura said he drew no conclusions as to causation from either of these sets of figures.

Court will reconvene Thursday with the testimony of Dr. Robert E. Stowell.

Hill and Knowlton, Inc.
Public Relations Counsel
150 East 42nd Street
New York 17, N. Y.

Source: https://www.industrydocuments.ucsf.edu/docs/kpwj0000